

Opponents of this rational legislation claim that it would somehow benefit one particular company, but that is incorrect. Rather, any company that can prove that its slight delay was unintentional would be treated more fairly. This is simply good public policy.

Indeed, the only beneficiaries of perpetuating the current regulations are generic companies who stand to gain an unfair windfall by pouncing whenever a patent owner accidentally files a few days late. Perpetuating such inequitable windfalls for generic companies is an inappropriate public policy result. Maintaining the Hatch-Waxman mandate as-is will lead to the further loss of highly valuable patent rights for no good reason. In contrast, fixing it through H.R. 5120 will help all innovators, both present and future.

Further, H.R. 5120 does not give the patent holder a "carte blanche, no questions asked" grace period. It does not allow for indefinite patents, nor does it imply continued protections due to intentional negligence. Rather, it allows a five-day grace period for a patent restoration filing that was unintentionally delayed. Five days.

Finally, Congress routinely revisits statutes in order to fix loopholes and anomalies. Very simply, mistakes happen, as does the law of unintended consequences. In the case of Hatch-Waxman, allowing a simple five-day grace period will not undermine or compromise the growth of the generics market in the United States. Rather, H.R. 5120 will merely align patent restoration filing rules with the other discretions enjoyed by the Patent and Trademark Office.

Accordingly, the Center for Individual Freedom urges you and all members of the Judiciary Committee to pass H.R. 5120, allowing it full consideration by the U.S. House of Representatives. Fairness and equity demands it, and we will monitor members' votes on this critical matter and communicate them to our constituency.

Thank you very much for your time and consideration.

Sincerely,

TIMOTHY H. LEE,

Director of Legal and Public Affairs.

THE CLEVELAND CLINIC
FOUNDATION HEART CENTER,
Cleveland, OH, April 24, 2006.

Congresswoman STEPHANIE TUBBS JONES,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE TUBBS JONES: I understand that you are considering a bill, HR 5120, related to the patent restoration provisions of the Hatch-Waxman law. I am an interventional cardiologist practicing at the Cleveland Clinic. I engage in the clinical care of patients with cardiovascular disease as well as in clinical research related to this complex and unique group of patients.

I am writing in support of H.R. 5120 because I understand that, if it passes, the anticoagulant drug Angiomax may become eligible for patent term restoration. This would allow for further investment in clinical development. I use Angiomax and have been involved in the study of Angiomax in acute care cardiovascular procedures, including heart attack and angina. Angiomax is an important therapy that provides safe and effective anticoagulation in interventional procedures with less bleeding than other treatments. These advantages also save the health care system money by reducing bleeding and providing single drug therapy versus combination drug therapy.

Patent term restoration for Angiomax is important because preliminary experience suggests that Angiomax may be useful in preventing and treating stroke, but more

studies are needed. Stroke is the nation's number one cause of disability and third leading cause of death. Over 700,000 Americans suffer strokes each year—one every 45 seconds; over 165,000 die and many thousands more are disabled for life. Unfortunately, the blood thinning and clot-busting agents now available to treat stroke patients can cause dangerous side effects, including intracranial bleeds (as was seen so vividly with Israeli Prime Minister Sharon). Angiomax may be useful in the prevention and treatment of strokes with fewer side effects. But the very costly and time-consuming clinical trials needed to explore this promising new use won't be feasible unless patent term restoration under the Hatch-Waxman Act is available to the drug's developer.

It is vital that H.R. 5120 be enacted so that research on Angiomax in the prevention and treatment of strokes is undertaken to evaluate the drug in the treatment and prevention of this debilitating disease. I am available to discuss this matter further with you at your convenience.

Very truly yours,

DEEPAK L. BHATT,

Associate Director, Cleveland Clinic Cardiovascular Coordinating Center, Staff, Cardiac, Peripheral, and Carotid Intervention, Associate Professor of Medicine, Department of Cardiovascular Medicine, Cleveland Clinic Foundation.

DEPARTMENT OF MEDICINE, UCLA
SCHOOL OF MEDICINE, CENTER FOR
THE HEALTH SCIENCES,
Los Angeles, CA September 6, 2006.

Congresswoman NANCY PELOSI,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN: I understand that the Subcommittee on Courts, the Internet and Intellectual Property of the Judiciary Committee of the House of Representatives is considering a bill, H.R. 5120, relating to the patent restoration provisions of the Hatch-Waxman law. I am an interventional cardiologist practicing at The UCLA Medical Center and the Greater Los Angeles Veterans Administration Medical Center. I engage in the clinical care of patients with cardiovascular disease as well as in clinical research related to this complex and unique group of patients.

I am writing in support of H.R. 5120 because I understand that, if it passes, the anticoagulant drug Angiomax may become eligible for patent term restoration. This would allow for further investment in clinical development. I use Angiomax and have been involved in the study of Angiomax in acute care cardiovascular procedures. Angiomax is an important therapy that provides safe and effective anticoagulation in interventional procedures with less bleeding than other treatments. These advantages also save money by reducing bleeding and providing single drug therapy versus combination drug therapy.

Patent term restoration for Angiomax is important because preliminary experience suggests that Angiomax may be useful in preventing and treating stroke but more studies are needed. Stroke is the Nation's number one cause of disability and third leading cause of death. Over 700,000 Americans suffer strokes each year—one every 45 seconds; over 165,000 die and many thousands more are disabled for life. Unfortunately, the blood thinning and clot-busting agents now available to treat stroke patients can cause dangerous side effects, including intracranial bleeds (as was seen so vividly with Israeli Prime Minister Sharon). Angiomax may be useful in the prevention and treatment of strokes with fewer side effects. But the very costly and time-consuming clinical trials

needed to explore this promising new use won't be feasible unless patent term restoration under the Hatch-Waxman Act is available to the drug's developer.

It is vital that H.R. 5120 be enacted so that research in stroke is undertaken to evaluate the use of Angiomax in the treatment and prevention of this debilitating disease. I am available to discuss this matter further with you at your convenience.

Very truly yours,

RAMIN EBRAHIMI,
Associate Clinical Professor, University of California Los Angeles, Director, Cardiac Catheterization Laboratory, Greater Los Angeles VA Medical Center, Assistant Director, Nuclear Cardiology, Greater Los Angeles VA Medical Center.

Section 202 is narrowly tailored legislation. It simply confers discretion on the Patent Office to consider an unintentionally late-filed patent term restoration application submitted to the Patent Office within 5 days of the 60-day deadline in current law. It does not confer any substantive rights on any applicant, but merely allows the applicant to present the facts surrounding the late filing to the Patent Office. The director of the Patent Office then has 30 days to rule on the petition.

Honest mistakes should not cause irreparable hardship for innovators or patients. A few days unintentional late filing mistake at the Patent Office should not be cause for blocking promising medical research that could lead to important health care advantages.

Mr. Speaker, I appreciate all the efforts the committee has invested in bringing this legislation to the floor, and I hope that we can now proceed with the enactment of S. 1758.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 1785, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read: "An Act to make certain improvements relating to intellectual property, and for other purposes."

A motion to reconsider was laid on the table.

HONORING THE LIFE OF RUTH BROWN

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1090) honoring the life of Ruth Brown and her copyright royalty reform efforts on behalf of rhythm and blues recording artists.

The Clerk read as follows:

H. RES. 1090

Whereas Ruth Brown passed away on November 17, 2006;

Whereas Ruth Brown, a rhythm and blues singer and songwriter known as Miss Rhythm, was one of Atlantic Records's first recording and performing stars;

Whereas Ruth Brown's elegant voice made her a hit from the 1940s onward with such songs as "So Long" and "Teardrops from My Eyes";

Whereas Ruth Brown's career spanned the post-World War II era through the Civil Rights Movement to the 21st century, a period which also saw the genre music move into the American mainstream;

Whereas Ruth Brown helped found the Rhythm and Blues Foundation in 1988 to recognize, promote, and preserve rhythm and blues music;

Whereas Ruth Brown worked with Congress to advance the cause of copyright royalty reform so that rhythm and blues artists could receive deserved copyright royalties from their music;

Whereas Ruth Brown's talent was recognized with a Tony Award for Best Actress in a Musical in "Black and Blue" in 1989, a Grammy Award for her album "Blues on Broadway" in 1989, induction into the Rock and Roll Hall of Fame in 1993, and a Lifetime Achievement Award from the Blues Foundation in 1999;

Whereas Ruth Brown's autobiography, "Miss Rhythm," received the Ralph J. Gleason Music Book Award; and

Whereas Ruth Brown is survived by 2 sons, 4 siblings, 3 grandchildren, and a multitude of cousins, nieces, nephews, friends, and admirers: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the life of Ruth Brown;

(2) recognizes Ruth Brown for her efforts toward reforming the copyright royalty system on behalf of rhythm and blues recording artists;

(3) commends Ruth Brown for her success in ensuring that rhythm and blues recording artists would receive deserved copyright royalties; and

(4) expresses its deepest condolences to Ruth Brown's family and friends.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on House Resolution 1090 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am privileged to join with my friend, Ranking Member CONYERS, in support of this resolution to honor the life of Ruth Brown, a pioneering rhythm and blues singer who passed away last month. Ruth Brown was a well-known performer who paved the road for other R&B artists. In the 1950s she topped the R&B charts with a series of hits that helped establish Atlantic Records as a leading recording label for pop singers.

□ 1545

The label became known as "the house that Ruth built." That means Yankee Stadium is not the only "house that Ruth built."

Ruth Brown's style and singing ability influenced numerous other well-known musical artists, including Bonnie Raitt and Little Richard. Later in her career, she was awarded Tony and Grammy honors and was inducted into the Rock and Roll Hall of Fame.

But Ruth Brown's most enduring contributions and her most remarkable qualities might have been her persistence and passionate desire for justice. During her last two decades, she devoted herself to the cause of collecting unpaid royalties for musicians, spending much of her time working with Congress to promote copyright royalty reform. She also helped establish a nonprofit foundation in Philadelphia to help finance medical care for needy musicians.

Mr. Speaker, I want to thank the gentleman from Michigan (Mr. CONYERS) for introducing this resolution, and I join him in urging the Members of the House to support this resolution to honor the extraordinary life and accomplishments of Ruth Brown and to extend the House's deepest sympathy to her family and friends.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the chairman, JIM SENSENBRENNER, for his very personal remarks about Ruth Brown and I thank him and our colleagues, CHARLES RANGEL, JERRY NADLER, BARBARA LEE and BOBBY SCOTT, who all recognize the accomplishments of rhythm and blues singer Ruth Brown, who passed away on November 17, 2006. She was not only a great artist of contemporary music, but a fighter who reformed copyright royalty payments for recording artists.

She had a great talent, as has been described, and became one of Atlantic Records' first recording stars. For that, she was inducted into the Rock and Roll Hall of Fame and received a 1999 Lifetime Achievement Award from The Blues Foundation. She had an autobiography, "Miss Rhythm," and received the Ralph Gleason Award for Music.

Aside from her outstanding singing career, though, Ruth Brown came to the attention of the Congress because she was a tireless advocate for the rights of other musicians and artists in the rhythm and blues category. She worked with us to advance the cause of copyright royalty reform so that rhythm and blues artists could at last receive the royalties that they deserved from their music. She also helped found the Rhythm and Blues Foundation in 1988 to recognize, promote and preserve rhythm and blues music. The important work of this foundation continues to this day. She came to the Hill and worked with not only the Judiciary Committee, but

with the Congressional Black Caucus as well.

The resolution we introduce today acknowledges the important contributions to American culture and recognizes Ruth Brown for her efforts to reform the royalty system and expresses the House's deepest condolences to the Ruth Brown family and friends. We remember her as a wonderful, beautiful musician, but also as a dedicated fighter for justice in the copyright field that is within our jurisdiction.

So it is with great regret that we acknowledge the contributions of the late Ruth Brown.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I also yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, H. Res. 1090.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

STOLEN VALOR ACT OF 2005

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1998) to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

The Clerk read as follows:

S. 1998

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stolen Valor Act of 2005".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Fraudulent claims surrounding the receipt of the Medal of Honor, the distinguished-service cross, the Navy cross, the Air Force cross, the Purple Heart, and other decorations and medals awarded by the President or the Armed Forces of the United States damage the reputation and meaning of such decorations and medals.

(2) Federal law enforcement officers have limited ability to prosecute fraudulent claims of receipt of military decorations and medals.

(3) Legislative action is necessary to permit law enforcement officers to protect the reputation and meaning of military decorations and medals.

SEC. 3. ENHANCED PROTECTION OF MEANING OF MILITARY DECORATIONS AND MEDALS.

(a) EXPANSION OF GENERAL CRIMINAL OFFENSE.—Subsection (a) of section 704 of title 18, United States Code, is amended by striking "manufactures, or sells" and inserting "purchases, attempts to purchase, solicits for purchase, mails, ships, imports, exports,